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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,279	07/31/2001	Raymond Anthony Joao	RJ216	4075

7590

10/07/2005

RAYMOND A. JOAO, ESQ.  
122 BELLEVUE PLACE  
YONKERS, NY 10703

EXAMINER
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TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*Mr*

## Office Action Summary

Application No.

09/919,279

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 60-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/919, 279

EXAMINER
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ART UNIT	PAPER
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20050928

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This office action is responsive to the amendment filed on 7/8/05. As per request, claims 1-59 have been cancelled. Claims 60-79 have been added. Thus, claims 60-79 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 60-70, 74-76, and 78 are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322) in view of Petite et al. (6,437,692), and Diaz et al. (6,356,822).

As per claim 60, Kirkevold et al. disclose a computer-implemented method, comprising: storing at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing information (see the abstract; and columns 2-3, lines 60-3); generating a message containing information regarding at least one of a diagnosis and a repair regarding the at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair (see columns 4-5, lines 33-34; and column 8, lines 13-58), and further wherein the message further contains a schedule or scheduling information regarding at least one of a dealer, a service provider, a service technician, and a mechanic (see column 6, lines 24-32), and transmitting the message to the first communication device or to a second communication device associated with the user, wherein the second communication device is located at a location remote from the vehicle, remote from the receiver, and remote from a service provider, a repair

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facility, and a dealer (see columns 9-11, lines 43-33). Kirkevold et al. do not disclose receiver. However, Petite et al. disclose receiving a request for information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, with a receiver associated with a web site, wherein the request for information is transmitted from a first communication device associated with a user, wherein the first communication device is located at a location remote from the vehicle, remote from the receiver, and remote from a service provider, a repair facility, and a dealer, and further wherein the information is transmitted to the receiver one of the Internet and the World Wide Web (see columns 2-3, lines 34-29; and column 6, lines 15-49), and processing the request for information regarding the at least one of a vehicle state vehicle problem, vehicle malfunction, and a vehicle state of disrepair, with a processing device (see column 3, lines 30-65; columns 7-8, lines 41-27; columns 12-13, lines 41-30; and columns 16-17, lines 13-42). Kirkevold et al. also do not disclose at least one of a service provider, a repair facility, a dealer, a parts provider, an accessory provider, a warranty provider, and an insurance provider. However, Diaz et al. disclose wherein the message also contains information regarding at least one of a service provider, a repair facility, a dealer, a parts provider, an accessory provider, a warranty provider, and an insurance provider, for at least one of repairing, effecting a repair of, and paying for a repair of, the at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, and further wherein the message contains a link or a hyperlink to at least one of a service provider computer or a service provider communication device, a repair facility computer or a repair facility communication device, a dealer computer or a dealer communication device, a parts provider computer or a parts provider communication device, an accessory provider computer or an accessory provider communication

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device, a warranty provider computer or a warranty provider communication device, and an insurance provider computer or an insurance provider communication device (see columns 10-11, lines 1-10; and columns 12-13, lines 14-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining a receiver for receiving information regarding at least one of a vehicle problem, and service provider, a repair facility, a dealer, a parts provider, an accessory provider, a warranty provider, and an insurance provider for communication with vehicle to perform vehicle maintenance.

Also, as per claim 61, Petite et al. disclose receiving information regarding at least one of reserving, engaging, and requesting, a service or services of the at least one of a dealer, a service provider, a service technician, and a mechanic, based on the schedule or scheduling information (see columns 2-3, lines 34-29; and columns 16-17, lines 13-42).

As per claim 62, Kirkevold et al. do not disclose at least one of a service provider. However, Petite et al. disclose processing the information regarding at least one of reserving, engaging, and requesting, a service or services of the at least one of a dealer, a service provider, a service technician, and a mechanic, based on the schedule or scheduling information (see columns 12-13, lines 14-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining at least one of a service provider to provide information regarding maintenance information for the vehicle.

As per claim 63, Kirkevold et al. disclose generating a notification message containing information regarding the at least one of reserving, engaging, and requesting, a service or services of the at least one of a dealer, a service provider, a service technician, and a mechanic;

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and transmitting the notification message to a communication device associated with the at least one of a dealer, a service provider, a service technician, and a mechanic (see columns 5-6, lines 34-67).

As per claim 64, Kirkevold et al. disclose wherein the message contains a diagnostic report and information regarding at least one of a suggested repair, a maintenance procedure, and a servicing procedure (see column 7, lines 1-19; and columns 11-12, lines 62-54).

As per claims 65, and 67, Kirkevold et al. disclose performing periodic diagnostic checks for the vehicle, and transmitting a scheduled maintenance reminder message to the first communication device or to the second communication device (see column 17, lines 9-34).

As per claim 66, Kirkevold et al. disclose updating information in a vehicle file or a vehicle maintenance history for the vehicle (see column 3, lines 31-67).

As per claim 68, Kirkevold et al. disclose posting information regarding a request for at least one of a repair service, a maintenance service, a servicing service, a part, and an accessory (see column 14, lines 6-51).

As per claim 69, Kirkevold et al. disclose posting information regarding an availability of at least one of a repair service, a maintenance service, a servicing service, a part, and an accessory (see columns 14-15, lines 52-30).

As per claim 70, Kirkevold et al. do not disclose identifying at least one of a dealer, a service provider, a service technician, a mechanic, a parts provider, an equipment provider, and a facility, for effecting a repair of the vehicle. However, Diaz et al. disclose identifying at least one of a dealer, a service provider, a service technician, a mechanic, a parts provider, an equipment provider, and a facility, for effecting a repair of the vehicle (see columns 10-11, lines

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1-10; and columns 12-13, lines 14-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining identifying at least one of a dealer, a service provider, a service technician, a mechanic, a parts provider, an equipment provider, and a facility, for effecting a repair of the vehicle to perform vehicle diagnostic and repair.

As per claims 74-75, Kirkevold et al. do not disclose at least one of an interactive television, a personal digital assistant, a display telephone, a video telephone, and a videophone. However, Petite et al. disclose wherein at least one of the first communication device and the second communication device is a wireless device or an interactive television, wherein the wireless device is at least one of a personal digital assistant, a display telephone, a video telephone, and a videophone (see column 7, lines 17-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining at least one of an interactive television, a personal digital assistant, a display telephone, a video telephone, and a videophone for conveniently communicate with the vehicle service provider vehicle maintenance and repair facility.

As per claim 76, Kirkevold et al. disclose wherein the message contains a diagnosis or a list of potential diagnoses regarding the at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair (see column 14, lines 5-51; and column 20, lines 20-67).

As per claim 78, Kirkevold et al. disclose wherein the processing device is programmed to perform periodic diagnostic checks regarding the vehicle (see column 17, lines 9-34).



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4. Claims 71, and 79 are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), Petite et al. (6,437,692), and Diaz et al. (6,356,822) as applied to claim 60 above, and further in view of Kolls (6,615,186).

As per claim 71, Kirkevold et al., Petite et al., and Diaz et al. do not disclose processing information regarding a purchase of an option for obtaining services of a dealer, a service provider, a service technician, and a mechanic, to effect a repair of the vehicle. However, Kolls disclose processing information regarding a purchase of an option for obtaining services of a dealer, a service provider, a service technician, and a mechanic, to effect a repair of the vehicle (see column 57, lines 1-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., Petite et al., and Diaz et al. by combining a purchase of an option for obtaining services of a dealer, a service provider, a service technician, and a mechanic, to effect a repair of the vehicle to perform vehicle diagnostic and maintenance.

Also, as per claim 79, Kolls discloses processing a financial transaction between the user and the at least one of a service provider, a repair facility, a dealer, a parts provider, an accessory provider, a warranty provider, and an insurance provider (see column 56, lines 8-67).

5. Claim 72, is rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), Petite et al. (6,437,692), and Diaz et al. (6,356,822) as applied to claim 60 above, and further in view of McCain et al. (6,330,482).

As per claim 72, Kirkevold et al., Petite et al., and Diaz et al. do not disclose training information. However, McCain et al. disclose transmitting training information regarding a repair or a service procedure for effecting a repair of the vehicle to the first communication

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device or to the second communication device (see columns 1-2, lines 41-5; columns 6-7, lines 1-32; column 8, lines 4-55; and columns 9-10, lines 35-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., Petite et al., and Diaz et al. by combining transmitting training information regarding a repair or a service procedure for effecting a repair of the vehicle to the first communication device or to the second communication device for performing vehicle repair accurately and efficiently.

6. Claim 73, is rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), Petite et al. (6,437,692), and Diaz et al. (6,356,822) as applied to claim 60 above, and further in view of Brookes et al. (US 2003/0014295 A1).

As per claim 73, Kirkevold et al., Petite et al., and Diaz et al. do not disclose a bid or an auction. However, Brookes et al. disclose processing information regarding a bid for or an auction of a repair service or a maintenance service (see [0043] through [0049]; and [0056] through [0058]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., Petite et al., and Diaz et al. by combining processing information regarding a bid for or an auction of a repair service or a maintenance service to determine a good repair shop to perform vehicle maintenance.

7. Claim 77, is rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), Petite et al. (6,437,692), and Diaz et al. (6,356,822) as applied to claim 60 above, and further in view of Rother (6,141,608).

As per claim 77, Kirkevold et al., Petite et al., and Diaz et al. do not disclose upload vehicle information. However, Rother discloses receiving information transmitted from or

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uploaded from a vehicle computer located at the vehicle; and performing a diagnostic check regarding the vehicle (see the abstract; and column 6, lines 31-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., Petite et al., and Diaz et al. by combining receiving information transmitted from or uploaded from a vehicle computer located at the vehicle for collecting vehicle information in order to perform vehicle repair analysis.

### Remarks

8. Applicant's argument filed on 6/8/05 has been fully considered. Upon updated search, the new ground of rejection has been set forth as above as the result of the new claims amended.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTHS** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
THOMAS BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3661

/dt

September 28, 2005